


	 pennsylvania DEPARTMENT OF EDUCATION
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SIGNIFICANT DISPROPORTIONALITY

Overview: The Big Picture

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Congressional Findings

When the IDEA was reauthorized in 2004, Congress specifically found:

- (1) Minority children are identified as having emotional disturbance and intellectual disability rates greater than their white counterparts.
- (2) More minority children continue to be served in special education than would be expected from the percentage of minority students in general school population.

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Significant Disproportionality



Disproportionality in Special Education

National patterns and data trends documented and established over time continually show disproportionate representation.

A constant and consistent area of concern at the national level.

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Disproportionality in Special Education

- **Inappropriately identified** as special education students
- More likely to be **placed in restrictive placements** than other students
- More frequently **subjected to disciplinary actions** than other students

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What is the State's role in this?

IDEA 2004 Increased the Focus on Disproportionality and the State's Responsibilities to Monitor and Address It.

Requirements:

(2) "Significant Disproportionality" **34 C.F.R. § 300.646**

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Significant Disproportionality



Significant Disproportionality

The State has an obligation to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the LEAs of the State with respect to the:

- (1) identification of children as children with disabilities (including identification in particular categories);
- (2) the placement of children in restrictive placements; and
- (3) the incidence, duration, and type of disciplinary actions.

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Racial/Ethnic Groups

1. Hispanic/Latino of any race, and for individuals who are non-Hispanic/Latino only;
2. American Indian or Alaska Native;
3. Asian;
4. Black or African American;
5. Native Hawaiian or Other Pacific Islander;
6. White; and
7. Two or more races.

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*What happens if
the State identifies
an LEA with
Significant
Disproportionality?*

First	Provide for the review and, if appropriate, revision of the policies, procedures, and practices, used in the identification, placement, or discipline of children with disabilities.
Second	Require the LEA to reserve 15% of IDEA funds to provide comprehensive early intervening services.
Third	Require the LEA to publicly report on the results of any revision of policies, practices, and procedures, as a result of the review.

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METHODOLOGY

Determine Disproportionality Parameters

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Methodology Guidance from OSEP

- Standard methodology to determine if there is significant disproportionality by examining data using a risk ratio or alternate risk ratio analysis.

However:

- State will establish parameters based upon advice from stakeholders, including the Special Education Advisory Panel.

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Terminology: Cell Size, N-Size



Cell Size, N-Size

The final regulations establish:

- a minimum **cell size** (*numerator or racial/ethnic group being analyzed*) of no greater than 10, and
- a minimum **N-size** (*denominator or comparison group*) of no greater than 30, are reasonable.

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Additional flexibility:

Multi-year: Use up to 3 years of data to identify an LEA with significant disproportionality

Reasonable Progress: Not identify LEAs if they are demonstrating reasonable progress in lowering the applicable risk ratios in each of the two prior consecutive years

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Terminology: RISK

A proportion expressing likelihood

Example:

$$\frac{40 \text{ Hispanic children identified}}{200 \text{ total Hispanic children in LEA}} = .20 \times 100 = 20\%$$

Risk of Hispanic child identified as child with disability = 20%.

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Terminology: RISK RATIO

A *comparison* of risks for Identification: likelihood of outcome for one group vs. outcome for all others in the LEA

Example:

$$\frac{40 \text{ Hispanic children identified out of}}{200 \text{ total Hispanic children in LEA}} = 40 \div 200 = .20$$

$$.20 \div .10 = 2$$

$$\frac{200 \text{ of other children identified out of}}{\text{All 2,000 other children in LEA}} = 200 \div 2000 = .10$$

Risk ratio: 2.0 (2 times as likely)

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Terminology: Risk Ratio Threshold

Where
should our
threshold
be set?

Reasonable risk ratio level that is set to identify significant disproportionality. LEAs above the threshold would be identified.

Example:

60 Hispanic children identified out of
200 total Hispanic children in LEA

If the risk ratio threshold is set at 2.5, then this LEA would be identified for having significant disproportionality.

200 of other children identified out of
All 2,000 other children in LEA

If the risk ratio threshold is set at 4.0, then this LEA would NOT be identified for having significant disproportionality.

Risk ratio: 3.0 (3 times as likely)

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14 Categories of analysis: (done annually)

1. The identification of children ages 3 through 21 as children with disabilities;

▪ The identification of children ages 3 through 21 as children with the following impairments:

2. Intellectual disabilities;
3. Specific learning disabilities;
4. Emotional disturbance;
5. Speech or language impairments;
6. Other health impairments; and
7. Autism.

Identification

8. Placements of children with disabilities ages 6 through 21, inside a regular class less than 40 percent of the day;

9. Placements of children with disabilities ages 6 through 21, inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools;

Placement

10. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of 10 days or fewer;

11. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of more than 10 days;

12. For children with disabilities ages 3 through 21, in-school suspensions of 10 days or fewer;

13. For children with disabilities ages 3 through 21, in-school suspensions of more than 10 days; and

14. For children with disabilities ages 3 through 21, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer.

Discipline

(34 C.F.R. §300.647(b)(3) and (4).)

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Significant Disproportionality



14 Categories of analysis: (done annually)

1. The identification of children ages 3 through 21 as children with disabilities;
2. The identification of children ages 3 through 21 as children with the following impairments:

<ol style="list-style-type: none"> 2. Intellectual disabilities; 3. Specific learning disabilities; 4. Emotional disturbance; 5. Speech or language impairments; 6. Other health impairments; and 7. Autism. 	<p>applied to each of 7 racial or ethnic groups:</p> <ol style="list-style-type: none"> 1. Hispanic/Latino of any race, and for individuals who are non-Hispanic/Latino only; 2. American Indian or Alaska Native; 3. Asian; 4. Black or African American; 5. Native Hawaiian or Other Pacific Islander; 6. White; and 7. Two or more races.
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8. Placements of children with disabilities ages 6 through 21, inside a regular class less than 40 percent of the day;
9. Placements of children with disabilities ages 6 through 21, inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools;
10. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of 10 days or fewer;
11. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of more than 10 days;
12. For children with disabilities ages 3 through 21, in-school suspensions of 10 days or fewer;
13. For children with disabilities ages 3 through 21, in-school suspensions of more than 10 days; and
14. For children with disabilities ages 3 through 21, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer.

(34 C.F.R. §300.647(b)(3) and (4).)

Should it be the same threshold for all categories?

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Risk Ratio Thresholds

- One for each category of analysis
- Can set different threshold for each, as reasonable
- May not set different thresholds for different racial or ethnic groups
- May not set racial quotas for any category

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Terminology: Cell Size, N-Size

What should our minimum cell and n-size be?

Example:

125 Asian children identified

[cell size]

500 total Asian children in LEA

[N-size]

Risk of Asian child identified as child with disability = $125/500$ or 25%.

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WHY MINIMUM CELL SIZES AND N-SIZES?

Risk ratios can produce unreliable or volatile results when applied to small populations.

Determinations of significant disproportionality should not turn on small demographic changes.

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Terminology: Alternate Risk Ratio

A comparison of risks: likelihood of outcome for one group vs. outcome for all others in the State

Because sometimes the comparison group in the LEA isn't large enough to make a valid and meaningful distinction from the group of interest.

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Flexibility: Multiple Years of Data

States may choose to use up to three years of data to make determinations of significant disproportionality

Because risk ratios can have natural variations in data from year to year....and because systematic change can take time.

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Flexibility: Multiple Years (example)

The State has set a risk ratio threshold for identification of 3.0 and is using three consecutive years for their determination timeframe:

	2015-16	2016-17	2017-18
LEA 1	2.7	3.3	2.6
LEA 2	3.1	3.3	3.3

Only LEA 2 will be determined to have significant disproportionality in identification, despite the risk ratio of 3.3 for LEA 1 in 2016-17.

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Example: Using a 3.5 threshold



Flexibility: Reasonable Progress

What is reasonable progress?

If LEA above risk ratio threshold but lowering risk ratio for the two prior consecutive years, State need not find significant disproportionality in that LEA.

Given the time it takes to make systematic change, why interrupt something that is working?

	2018-19	2019-20	2020-21
LEA 1	4.9	4.3	3.6
LEA 2	4.9	3.6	4.3

In school year 2021-2022, the State need not find significant disproportionality for identification in LEA 1.

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Input

1. Risk ratio thresholds?
2. Should the risk ratio thresholds be the same for all fourteen areas being analyzed?
3. What should the minimum cell size be?
4. What should the minimum N-size be?
5. What standard would be acceptable for reasonable progress?

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Immediate Next Steps...

Input from Stakeholders: Forums

- West: Pattan PGH: August 29, 2017
- Central: PaTTAN HBG: August 30, 2017
- East: PaTTAN East: August 31, 2017

Input from Special Education Advisory Panel: Fall 2017

Input from Stakeholders: Written/online

- Posted online from September 1 – October 30

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INPUT

Questions posed – feedback solicited

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